

# INFORMATION LETTER

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NATIONAL CANNERS ASSOCIATION

For Members  
Only

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## CANNERS' AID REQUESTED ON LOW INVENTORY PROBLEM

### Increased Sales and Distribution of Canned Foods Is Urged For Congested Areas

To solve the problem of abnormally low inventories of canned foods in wholesalers' hands in various congested areas, officials of the President's Committee for Congested Production Areas have asked canners to increase their sales and distribution to such areas.

Voluntary action by the industry, it is believed, will relieve the immediate problem, and the situation will be permanently corrected by the flow-back of ration points during the next six-month wholesale inventory period.

Although adequate purchasing power in ration points is available in congested areas, the Association is advised by the Committee that canned food inventories have steadily declined from the national average in April, 1943, of approximately a three months' supply to less than a two weeks' supply in certain of the production localities where the population has greatly increased.

Areas most adversely affected at this time by low inventories of canned foods are said by the Committee to be Portland, Maine; Newport, R. I.; Hampton Roads, Va.; Charleston, S. C.; Brunswick, Ga.; Mobile, Ala.; Key West, Fla.; San Diego, Calif.; San Francisco Bay region in California; the Portland, Oregon—Vancouver, Washington, area; and the Puget Sound area of Washington. However all areas that have had greatly increased populations are affected. The Committee hopes canners will consider increased population areas in distributing their sales during the next two months.

The Committee for Congested Production Areas was established by executive order in April of this year to designate those areas considered congested, to cooperate with State and local governments with respect to problems in such areas, to coordinate Federal activities affecting congested areas, and to prescribe policies and action necessary to effectuate such coordination. The order provides that "the policies and decisions of the Committee with respect to any Congested Production Area shall be controlling on all Federal agencies to which they apply."

The Committee, however, has thus far taken no action nor adopted policies compelling government agencies to issue special orders or regulations for the benefit of congested areas. All of the Committee's efforts to assist congested areas have been directed toward seeking and acquiring voluntary cooperation from industrial and trade groups and government agencies.

Members of the Committee are Harold D. Smith, Director of the Bureau of the Budget, Chairman; Robert P. Patterson, Under Secretary of War; Ralph A. Bard, Assistant Secretary of the Navy; Donald M. Nelson, Chairman of the War Production Board; Maj. Gen. Philip B. Fleming, Administrator of the Federal Works Agency; John B. Blandford, Jr., Administrator of the National Housing Agency; and Paul V.

### Industry Advisory Committee to Meet November 8 and 9

The meeting of the Canning Industry Advisory Committee appointed by the War Food Administration and Office of Price Administration, which was planned for October 25 and 26, has now been set for November 8 and 9 to afford the government agencies more time in which to work on the processors' program for 1944.

McNutt, Chairman of the War Manpower Commission. The Director of the Committee is Corrington Gill, formerly assistant commissioner of the Work Projects Administration.

## PRICING REGULATIONS PROPOSED FOR APPLE AND GRAPE PRODUCTS, SWEET POTATOES, SAUERKRAUT, MUSHROOMS

During the past ten days committees representing apple, grape, sweet potato, sauerkraut, and mushroom canners have conferred with the Office of Price Administration on pricing regulations. Owing to existing market prices for raw materials the processors of these products are unable to continue operations under present price controls in such a way as properly to reflect the increase in raw products cost over that of the previous packing season.

Proposed controls now under consideration by OPA contemplate the use of formula pricing, except possibly in the case of bland apple syrup and dried apples, which may again be flat priced.

The formula considered for apples, applesauce, cider, juice and concentrates would provide for deducting raw material costs from 1942 ceiling prices and adding to such figure the 1943 cost of apples but not to exceed the prices announced in the WFA release of September 15.

Some Concord grape products are now under the General Maximum Pricing Regulation, and others under MPR 207. Formula pricing for the former and readjustments for the latter are under consideration. Both proposals would give recognition to the increased 1943 cost of Concord grapes, but proc-

essors would not be permitted to reflect in their 1943 raw product cost a figure in excess of the prices already established by Amendment 2 to MPR 425 as given in the INFORMATION LETTER for September 25, page 7859.

Sweet potatoes would be brought under MPR 306 under an amendment to that order, which would use as a base period the canner's weighted average selling prices 60 days after start of the 1941 pack, add the eight per cent as provided for vegetables in MPR 152, and then reflect the difference in raw material costs between 1941 and 1943, but the 1943 cost not to exceed 90 cents per 50-pound bushel.

The proposal for sauerkraut would also bring that product under MPR 306. It would use as a base the processor's weighted selling price in the period January 1 to March 31, 1943, and then reflect the difference in cost of cabbage between 1941 and 1943, the latter cost not to exceed \$22 per ton. The formula would provide a stated mark-up for increased labor cost, when increases in wages have had the approval of the National War Labor Board. Consideration is also being given to increased cost of coopeage.

Canned mushrooms are now under GMPR and the proposal under consid-

eration would put them under MPR 306. The canner's weighted selling prices for the period October 10 to December 10, 1941, would be used as a base, to which would be added the eight per cent as provided in MPR 152. There would then be reflected in the canner's price the difference in raw material costs between 1941 and 1943 with a maximum

price for fresh mushrooms for 1943 which the canner may use in figuring his raw product cost.

The proposals above mentioned are under consideration by OPA but may, of course, be modified before the new regulations are approved and given official publication.

### The Termination of Tax Amortization of Defense Facilities

The granting of further Necessity Certificates, permitting 5-year amortization of the cost of new facilities, was practically prohibited in the latest amendment, approved October 5, 1943, to the Regulations of the War and Navy Departments under Section 124 of the Internal Revenue Code which permits such accelerated amortization. (See INFORMATION LETTERS No. 857, page 6729; No. 860, page 6838; No. 876, page 6921; and No. 894, page 7151). The basis for the amendment is that industrial facilities now available are sufficient in number and kind to meet wartime needs. The actual number of Certificates of Necessity, issued in the past three years, is reported to be over 27,000, the value of the facilities themselves in excess of five and one-half billion dollars. Present efforts are thus directed, not toward further expansions, but toward utilization of existing capacities. The few remaining cases of needed facilities can be largely taken care of by governmental financing.

Insofar as new canning facilities are concerned, it was indicated earlier this year that 1943 additions would not be approved except in unusual cases. (See INFORMATION LETTER No. 925, page 7554). The new amendment applies this same rule to all industries. The Secretary of War and the Secretary of the Navy must first determine that there exists a shortage of facilities for a supply required for military or naval uses. The project for amortization must be approved prior to the beginning of the construction or acquisition of a facility. Such advance approval will be given only when a shortage has been determined and it has been established that private financing would be to the advantage of the Government.

Applications filed before October 5 are not affected. However, the construction or acquisition of a facility shall no longer be deemed necessary unless the beginning of such construction or the date of acquisition of a facility was prior to October 5, 1943. The amendment reads as follows:

"The construction, reconstruction, erection, installation, or acquisition of

a facility shall not be deemed necessary unless

(1) the beginning of the construction, reconstruction, erection, installation, or the date of acquisition of such facility, was prior to 5 October 1943; or

(2) an application for a Necessity Certificate describing such facility was filed before 5 October 1943; or

(3) the Secretary of War or the Secretary of the Navy, in exceptional cases, has determined prior to the beginning of such construction, reconstruction, erection, installation, or the date of such acquisition, that there is a shortage of facilities for a supply required for military or naval uses and that it is to the advantage of the Government that additional facilities for such supply be privately financed."

### ICC Bans Use of Refrigerated Freight Cars for Canned Foods

The Interstate Commerce Commission, in Service Order 156, issued October 1, has prohibited the use of refrigerated freight cars for the shipment of canned foods until November 15, 1943. The order exempts the shipment of canned foods moving in westbound transcontinental traffic to points in California, Idaho, Arizona, Nevada, or Utah. Westbound shipments in carloads originating in Utah and destined to California or Nevada likewise are not prohibited by the order.

The order prohibits, except by permit, the shipment of canned foods in giant refrigerator cars as provided in Service Order No. 93.

Under exceptional circumstances or when weather conditions require the use of refrigerator cars, special or general permits for their use may be issued. Such permits will be issued only by Robert B. Hoffman, Manager, Refrigerator Car Section, Car Service Division, Association of American Railroads, 59 West Van Buren Street, Chicago, Illinois. For this purpose Mr. Hoffman has been designated agent of the Interstate Commerce Commission.

### Dried Vegetable Purchases

All government purchases of five "set-aside" dehydrated vegetables are now being made through the U. S. Army Quartermaster Corps or the Food Distribution Administration, the War Food Administration has announced.

The action, effective October 2, was taken in an amendment to Food Distribution Order 30. The order requires that the entire production of dehydrated Irish potatoes, cabbage, beets, onions and rutabagas be set aside for government use.

Although the new regulations do not materially alter the procedure now being followed by the Government in purchasing dehydrated vegetables, they were placed in effect to clarify the status of the purchasing agencies, the WFA said. Under the amendment, each governmental agency entitled to a quota of dehydrated vegetables will continue to receive its allocated share through purchases made for them by the Quartermaster Corps and the FDA.

### Texas Tin Smelter Situation

The United States Government is still experiencing some price difficulty in obtaining tin concentrates from Bolivia needed for the new smelter in Texas, according to an article in the *New York Times*. The Texas smelter has a rated capacity of 50,000 tons annually.

Recently the independent producers in Bolivia demanded an increase in the price that the United States Government is paying them for tin ore. Negotiations subsequently were started for an increase in price, but so far a definite agreement has not been reached. While the United States is understood to be willing to increase its price from 60 cents a pound for the metallic content of the ore to 63½ cents at the port of embarkation in South America, the Bolivian negotiators are understood to have turned it down, asking that treatment charges on low-grade concentrates and penalties for impurities be reduced.

Patino Mines and Enterprises Consolidated, Inc., the largest producer of tin in Bolivia, is not involved directly in the negotiations since it sells under contract its entire production to British interests. However, its agreement with the British provides that it receive the same price as is paid by any United States agency for other Bolivian tin.

### New York State Meeting

The Association of New York State Canners, Inc., has announced that its annual meeting will be held December 9 and 10 at Hotel Statler, Buffalo.

## MAXIMUM PRICES FOR FRUIT COCKTAIL ARE REVISED

### Amendment Fixes Mixed Fruit Ceilings for First Time and Sets Prices For Cocktail Cherries

Canners' maximum prices for fruit cocktail are revised by the Office of Price Administration, to reflect the increased costs of certain ingredients of the product, and maximum prices were established for sales of cocktail cherries to be used in fruit cocktail.

This is accomplished through Amendment 17 to Maximum Price Regulation No. 306, effective October 9, 1943. The amendment also establishes maximum prices for canned mixed fruit, a new item.

In addition, the new amendment provides that when a processor acquires the business or stock in trade of another processor subject to MPR No. 306, he shall be subject to maximum prices the same as those which applied to the processor whose business he bought.

When maximum prices for the 1943 pack of fruit cocktail were established in Amendment 11 to MPR No. 306, these prices did not reflect the increased cost of cocktail cherries, grapes or California freestone peaches, stated OPA. The new revisions now provide for the cost of these fruits.

Maximum prices for civilian sales of canned California freestone peaches, established in Amendment 17, have not been set before because it was expected that the Government would buy the entire 1943 pack, the OPA press release stated. However, processors now have the option of reserving a small portion of the pack for civilian sales.

Therefore, processors' maximum prices for sales for civilian use are fixed at 1942 levels. No addition over these prices is permitted. In sales to the Government, a \$10 a ton increase over the 1942 cost computed under Maximum Price Regulation No. 185 is permitted.

Canned mixed fruit is the new item now permitted to be packed. Maximum prices for this item are established for the first time in Amendment 17. In setting these prices, the OPA has used percentages of the maximum prices for fruit cocktail of the same grade and container size according to formula. Thus, maximum prices for civilian sales of a formula of canned mixed fruit containing not less than 55 per cent or more than 65 per cent diced peaches, and not less than 35 per cent or more than 45 per cent diced pears is 95 per cent of the maximum price for the same grade and container size of

fruit cocktail. Maximum prices for canned mixed fruit to the Government are established at 96 per cent of maximum prices for sales to other persons. Text of Amendment 17 to MPR 306 follows:

1. Section 1341.570 is added to read as follows:

§ 1341.570. *Transfers of business or stock in trade.* If the business, assets or stock in trade of a seller subject to this regulation are sold or otherwise transferred on and after January 28, 1943, and the transferee carries on the business, or continues to deal in the same type of processed foods, in an establishment separate from any other establishment previously owned or operated by him, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions of § 1341.569.

2. The phrase "except freestone peaches" is deleted from subparagraph (2) of § 1341.583 (b).

3. The table in § 1341.583 (b) (2) (ii) is amended by adding in its alphabetical order the following item:

Raw fruit	State	Maximum cost
Peaches, freestone.....	California.....	\$40 per ton.
	Oregon and Washington.....	\$60 per ton.
	All other states.....	1942 cost per ton as required to be computed under MPR 185 plus \$10 per ton.

4. The item "Cherries (except red sour)" in the table in § 1341.583 (b) (2) (ii) is amended to read "Cherries (except red sour and cocktail)."

5. The item "Cherries (except red sour)" in the list of miscellaneous fruits in § 1341.583 (b) (1) is amended to read "Cherries (except red sour and cocktail)."

6. The list of Miscellaneous fruits in § 1341.583 (b) (1) is amended by deleting the item "Fruit cocktail."

7. The table in § 1341.583 (b) (2) (ii) is amended by deleting the item "Fruit cocktail" from column 1 and the references thereto in columns 2 and 3.

8. Section 1341.553 (a) (4) (5) and (6) are added as follows:

Item	Section	Appendix
(4) Cocktail cherries.....	1341.583	A
(5) Fruit cocktail.....	1341.583	A
(6) Mixed fruits.....	1341.583	A

9. Section 1341.553 (d), (e) and (f) are added to read as follows:

(d) *Cocktail cherries.* (1) The processor's maximum prices per dozen containers or other unit of sale of cocktail cherries, f. o. b. factory, for sales other than to government procurement agencies, shall be computed by the processor as follows:

(i) Determine the weighted average price per dozen containers or other unit of sale of cocktail cherries processed from cherries of the 1940 and 1941 crops charged by the processor, f. o. b. factory, for the same variety, style, grade, size and container during the period from July 1 through September 30, 1940, and from July 1 through September 30, 1941. "Weighted average price" shall be the total gross sales dollars charged for each variety, style, grade, size and container divided by the number of dozens of containers or other units of sale sold of such variety, style, grade, size and container. All sales contracts made in the regular course of business during the base period (July 1 through September 30, 1940 and July 1 through September 30, 1941) shall be included, regardless of the date of delivery, except sales contracts made with the United States. Sales contracts made at times other than during the base period shall not be included, even though delivery was made during the period.

(ii) Multiply the figure so obtained by 1.10.

(iii) Add to or subtract from the figure so obtained the amount of the increase or decrease, respectively, as the case may be, in the cost of raw cherries per unit of sale for the 1942 pack as compared with the 1941 pack: *Provided*, That in no event shall the amount of any increase in the cost of raw cherries for the 1942 pack over the cost for the 1941 pack be in excess of \$56.00 per ton.

(iv) Add to the figure so obtained the difference between the 1943 raw cherry cost per unit of sale and the 1942 raw cherry cost per unit of sale: *Provided*, That in no event shall the difference between the 1943 and 1942 raw cherry costs be in excess of \$40 per ton.

The resulting figure shall be the processor's maximum price per dozen containers or other unit of sale being priced of cocktail cherries, processed from cherries of the 1943 crop, f. o. b. factory, for sales other than to government procurement agencies.

(v) In computing the adjusted raw cherry cost per unit of sale the processor shall use the same yields per ton as

ure so obtained the amount of the increase or decrease, respectively, as the case may be, in the cost of raw cherries per unit of sale for the 1942 pack as compared with the 1941 pack: *Provided*, That in no event shall the difference between the 1943 and 1942 raw cherry costs be in excess of \$40 per ton.



were obtained by him during 1941, and raw cherry costs shall be allocated to each grade and container in the same proportion as such costs were allocated to each grade and container size in 1941.

(vi) Where the processor did not pack and sell the same variety, style, grade, size and container of cocktail cherries during 1940-1941, base period set forth in (i), the maximum price of his closest competitive seller for the same variety, style, grade, size and container of cocktail cherries of the 1943 pack shall be the processor's maximum price.

(2) In the event that a processor cannot establish his maximum price under the foregoing provisions of this regulation, he shall apply to the Office of Price Administration, Washington, D. C., for authorization of a maximum price. His application shall contain:

(i) A statement of the reasons for his inability to establish a maximum price for the item which is the subject of the application.

(ii) A full description of the item which is the subject of the application, and an itemized statement of his costs therefor.

(iii) A description of the most similar variety, style, grade, size and container of cocktail cherries packed by him, an itemized statement of his costs therefor, and his maximum price for such similar items. Separate maximum prices will be authorized for sales to government procurement agencies and all other sales. Until a maximum price is established, the applicant may not sell or deliver the item except under an agreement in each case to adjust the selling price to a figure no higher than the maximum price which is later established under this section.

(3) The processor's maximum prices per dozen containers, per barrel or other unit of sale, respectively, of cocktail cherries, f. o. b. factory, for sales to government procurement agencies, shall be 96 per cent of the maximum prices for sales other than to government procurement agencies as established under paragraph (1).

(4) "Cocktail cherries" means brined cherries which are artificially colored, packed in water, and which are used primarily as an ingredient in canned fruit cocktail.

(e) *Fruit cocktail.* (1) The processor's maximum prices per dozen containers of fruit cocktail, f. o. b. factory, for sales other than to government procurement agencies, shall be computed by the processor by adjusting his maximum price per dozen containers, f. o. b. factory, for the 1942 pack of the same variety, style, grade and container of the item as follows:

(i) Deduct the total 1942 fruit cost per dozen containers as required to be computed under Maximum Price Regulation No. 185.

(ii) Add to the figure so obtained the 1943 fruit cost per dozen containers ob-

tained by dividing the weighted average of the prices per ton or other unit, paid or contracted to be paid by the processor to the grower or supplier for the component fruits in 1943, based on not less than the first 75 per cent of his purchases, by the dozen container yield per ton or other unit required to be used in computing the 1942 maximum price: *Provided*, That in no event shall the amount of the 1943 component fruit cost be in excess of the amounts set forth in the table below in accordance with the State in which the processor's factory is located:

Component fruit	State	Maximum cost
Cocktail cherries.....	All States.....	Where the processor of fruit cocktail purchases the processed cocktail cherry, his actual cost not to exceed his supplier's maximum price. Where the processor of fruit cocktail manufactures his own cocktail cherries, 96 per cent of the maximum price of the nearest processor of cocktail cherries for resale as such, for the same grade and size of cherry.
Grapes.....	All States.....	\$48.75 per ton.
Peaches, freestone.....	California.....	\$50.00 per ton.
	Oregon and Washington.....	\$60.00 per ton.
	All other States.....	1942 per ton as required to be computed under MPR 185 plus \$10 per ton.
Peaches, clingstone.....	All States.....	\$60.00 per ton.
Pears.....	California.....	\$65.00 per ton.
	Oregon and Washington.....	\$75.00 per ton.
	All other States.....	1942 cost per ton as required to be computed under MPR 185 plus \$5 per ton.
Pineapple.....	All States.....	1942 cost as required to be computed under MPR 185.

(iii) Any processor who established a maximum price for any variety, style, grade and container of his 1942 pack of fruit cocktail by the adoption of a competitor's maximum price, shall adopt the same competitor's maximum price for the 1943 pack of the same item.

(a) Where the same competitor does not pack such item in 1943, the processor shall establish his maximum price for such item by adopting his closest competitive seller's maximum price for the same variety, style, grade and container of the 1943 pack of the same item.

(iv) Where the processor did not pack the same variety, style, grade and container of fruit cocktail in 1942, the maximum price of his closest competitive seller for the same variety, style, grade and container of the 1943 pack of the same item shall be the processor's maximum price.

(2) In the event that a processor cannot establish his maximum price under the foregoing provisions of this regulation, he shall apply to the Office of Price Administration, Washington, D. C., for authorization of a maximum price. His application shall contain:

(i) A statement of the reasons for his inability to establish a maximum price for the item which is the subject of the application.

(ii) A full description of the item which is the subject of the application, and an itemized statement of his costs therefor.

(iii) A description of the most similar variety, style, grade, size and container of fruit cocktail packed by him, an itemized statement of his costs therefor, and his maximum price for such similar item.

Separate maximum prices will be authorized for sales to government procurement agencies and all other sales. Until a maximum price is established, the applicant may not sell or deliver the item except under an agreement in each case to adjust the selling price to a figure no higher than the maximum

price which is later established under this section.

(3) The processor's maximum prices per dozen containers of fruit cocktail, f. o. b. factory, for sales to government procurement agencies, shall be 96 per cent of the maximum prices for sales other than to government procurement agencies as established under paragraph (1).

(f) *Mixed fruits.* (1) The processor's maximum prices per dozen containers of mixed fruits, f. o. b. factory, for sales other than to government procurement agencies, shall be as follows:

(i) For a formula consisting of a combination (by drained weight) of not less than 55 per cent nor more than 65 per cent diced peaches, and not less than 35 per cent nor more than 45 per cent diced pears, 95 per cent of the maximum price for the same grade and container of fruit cocktail as computed under paragraph (e).

(ii) For a formula consisting of a combination (by drained weight) of not less than 50 per cent nor more than 60 per cent diced peaches, and not less than 30 per cent nor more than 40 per cent diced pears, including not less than 6 per cent nor more than 10 per cent grapes, 91 per cent of the maximum price for the same grade and container of fruit cocktail as computed under paragraph (e).

(iii) Where the processor does not pack the same grade and container of fruit cocktail and mixed fruits in

1943, the maximum price of his closest competitive seller for the same grade and container of the 1943 pack of mixed fruits shall be the processor's maximum price.

(2) In the event that a processor cannot establish his maximum prices under the foregoing provisions of this regulation, he shall apply to the Office of Price Administration, Washington, D. C., for authorization of a maximum price. His application shall contain:

(i) A statement of the reasons for his inability to establish a maximum price for the item which is the subject of the application.

(ii) A full description of the item which is the subject of the application, and an itemized statement of his costs therefor.

(iii) A description of the most similar grade and container of mixed fruits packed by him (or if he does not pack a similar grade and container of mixed fruits, the most similar grade and container of fruit cocktail packed by him), an itemized statement of his costs therefor, and his maximum price for such similar item.

Separate maximum prices will be authorized for sales to government procurement agencies and all other sales. Until a maximum price is established the applicant may not sell or deliver the item except under an agreement in each case to adjust the selling price to a figure no higher than the maximum price which is later established under this section.

(3) The processor's maximum prices per dozen containers of mixed fruits, f. o. b. factory, for sales to government procurement agencies, shall be 96 per cent of the maximum prices for sales other than to government procurement agencies as established under paragraph (1).

10. The headnote of § 1341.586 (d) (2) is amended by adding in alphabetical order the items "cocktail cherries" and "mixed fruits."

This amendment shall become effective October 9, 1943.

### Permitted Increase Specified For Concord Grape Processors

Bringing its regulation controlling the prices of fruit preserves, jams and jellies into line with the recently issued ceilings on grapes, the Office of Price Administration, on October 9, listed the figures which packers may use for fresh Concord grapes in determining the permitted increase for raw material costs which they may add to their previous ceiling prices. This action was taken through Amendment No. 1 to Maximum Price Regulation No. 473, to become effective October 14, 1943.

The figures on fresh Concord grapes are those already set out in Amendment 2 to MPR No. 425—\$85 a ton in New

York, Pennsylvania and Ohio; \$75 a ton in Michigan, and \$45 a ton in Washington.

MPR No. 473, under which the processors determine their selling maximums, is a formula regulation, with the cost of the fruit or vegetable one item in the computation. The packer subtracts from the named figures for Concord grapes his weighted average cost for fruit used in 1942, as figured under MPR 226, to determine his permitted increase for raw material costs.

### Dried Fruit Adjustable Sales Permission Is Made Retroactive

The adjustable sales permission recently granted to sellers of dried fruit under Order No. 1 of Maximum Price Regulation No. 227 was made retroactive October 5 so that it covers sales and deliveries of dried fruits made by packers on and after September 1, 1943.

Order No. 1, as issued originally by the Office of Price Administration, and reported in the INFORMATION LETTER for September 18, became effective September 22. The retroactive action was taken after OPA had been informed that a considerable volume of dried fruit was in shipment or in process of sales negotiation to the armed forces and other government procurement agencies on September 1 and shortly thereafter.

The adjustable sale provision is used by OPA to allow sales by processors at open prices pending determination of maximum prices on the commodity being sold.

### Dried Prune, Raisin Amendment

To eliminate pyramiding of costs by a new type of seller who has appeared since the issuance of the regulation controlling prices of natural condition unpacked dried prunes and raisins, the Office of Price Administration amended that regulation, October 5.

The amendment (No. 1 to Maximum Price Regulation No. 461) provides that any person for whom no maximum price is provided for sales of these commodities by this, or any other regulation, must take for his maximum price the maximum fixed for the producer, dehydrator or dry yard operator in MPR 461.

### Ozark Cannery Meeting

The Ozark Cannery Association, Inc., has announced it will hold its annual meeting at Springfield, Missouri, on October 19.

### DRIED FRUIT PRICES SET

#### Apricot, Peach, Pear, Prune, Raisin, Fig Ceilings Above Those of 1942

Maximum prices processors and primary distributors can charge for dried apricots, peaches, pears, prunes, raisins and figs of the 1943 crop were established October 4 by the Office of Price Administration at levels which, reflecting increased costs of raw fruit and labor, were substantially above those in 1942. The regulation setting these prices is Maximum Price Regulation No. 475. It becomes effective October 9, 1943.

Under its terms, the maximum prices, f. o. b. packer's factory, for dried Grade C apricots in sales to government procurement agencies range from a high of \$785.07 a ton for Jumbo Blenheims to a low of \$636.91 a ton for Standard and Slabs (Grade D) San Joaquins. Grade B's bring \$5 a ton higher; Grade A's, \$10 a ton higher. The grades are those set forth in the Department of Agriculture's "Tentative United States Standards for Grades of Dried Apricots." The packer's f. o. b. per-ton maximum prices for Federal Surplus Commodity Corporation grade apricots are \$687.47 for Blenheims, \$659.70 for Northern and \$631.94 for San Joaquins.

A maximum price of \$500.81 a ton, f. o. b. packer's plant, is set for Choice yellow freestone dried peaches in sales to the Government and other peaches price from this. The basic dried pear maximum prices, per ton f. o. b. packer's plant, is \$470.35 for Extra Choice Lake Countys and \$439.58 for Choice Northern.

While the Government now plans to take all dried apricots, peaches and pears, OPA has provided a maximum price for civilian sales in the event that any of the dried fruit is turned back into the civilian market. This maximum, in each case, is five per cent above the maximum price fixed for sales to the Government. This five per cent is designed to cover the extra expenses involved in putting the dried fruit into civilian channels.

The maximum prices in sales to the Government on dried prunes, f. o. b. packer's factory, range from \$275.65 per ton for Three District prunes of the 15/20 grade size group and 20 packed point, to \$165.55 per ton for California and for Northwest French prunes of the 100/120 grade size group and 119 packed point.

The maximum prices in sales into civilian channels, are, for the same designations of prunes, \$236.76 and \$121.73, in the case of the Californias,

and \$119.69 in the case of the North-west Italians.

Maximum prices per ton, f. o. b. packer's factory, on pitted prune sales to the Government range from \$394.58 a ton to \$341.82. Maximum prices on pitted prunes going into civilian channels range from \$413.19 to \$357.93.

On dried raisins sold to the Government, the maximum prices, per ton f. o. b. packer's factory, range from \$301.80 for Muscats to \$196.65 for Choice Sultanas. Maximum prices on sales into civilian channels, where the purchase and resale program holds the 1942 price line, are \$208.13 and \$148.28 for the same raisins.

Maximum prices for fig paste range from 16 cents a pound for tray dried Kadota paste to 12½ cents a pound for unbleached Black Mission paste. Maximum prices for figs sold in bulk, in boxes of 25 or 50 pounds, range from 34½ cents a pound for Calimyrna Jumbos to 10¼ cents a pound for Black Mission Standards.

A complete schedule of maximum prices, per dozen packages, f. o. b. packer's factory, is established for packaged figs. These maximums range from \$5.22 for Jumbo one-pound pulled to \$1.06 for Extra Choice six-ounce layers.

Packers of brands of dried fruits which were nationally advertised last year are allowed to add to the maximums established in today's regulation the following premiums: ¼ cent for one and two-pound cartons of prunes; ¼ cent for 11-ounce cartons of apricots; ¼ cent for 11-ounce cartons of peaches. This allowance is designed to cover primarily the additional packaging costs of preparing the consumer package. Text of the governing sections of MPR 475 follows:

**§ 1341. Dried fruits, 1943 and later crops.**

Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328, Maximum Price Regulation No. 475 (Dried Fruits, 1943 and later crops), which is annexed hereto and made a part hereof, is hereby issued.

**Section 1. Prohibition against dealing in dried fruits above maximum prices.**

(a) On and after the effective date of this regulation, regardless of any contract or other obligation, no packer shall sell or deliver any dried fruits of the 1943 or later crops at a price higher than the maximum price established by this regulation. Lower prices than those established by this regulation may be charged, demanded, paid, or offered.

(b) No person in the course of trade or business shall buy or receive any

such dried fruits from a packer at a price higher than the maximum price established by this regulation; and

(c) No packer or other person shall agree, offer, solicit or attempt to do any of the foregoing.

**Section 2. Packer's maximum prices for dried fruits.**

(a) The packer's maximum prices, f. o. b. factory, for dried fruits, shall be as follows:

(1) **Apricots.** (i) The packer's maximum prices f. o. b. factory for dried apricots, packed in wood boxes containing 25 pounds, for Grade C, in sizes standard to Jumbo inclusive, and slabs (Grade D), shall be as follows:

Sizes	Government sales, per ton			Other sales, per ton		
	Blenheims	Northerns	San Joaquins	Blenheims	Northerns	San Joaquins
Standard.....	\$692.47	\$664.70	\$636.91	\$727.09	\$697.94	\$668.76
Choice.....	710.99	683.21	655.44	746.54	717.37	688.21
Extra Choice.....	729.51	701.73	673.96	765.99	736.82	707.66
Fancy.....	748.03	720.25	692.47	785.43	756.26	727.09
Extra Fancy.....	766.55	738.77	710.99	804.88	775.71	746.54
Jumbo.....	785.07	757.29	729.51	824.32	795.15	765.99
Slabs (grade D).....	692.47	664.70	636.91	727.09	697.94	668.76

(ii) The maximum prices for Grade B dried apricots, in sizes standard to Jumbo, inclusive, shall be \$5 per ton higher than the maximum prices set forth above for Grade C and the maximum prices for Grade A dried apricots, in sizes standard to Jumbo, inclusive, shall be \$10 per ton higher than the maximum prices set forth above for Grade C. The grades of dried apricots shall be as set forth in "Tentative United States Standards for Grades of Dried Apricots" issued by the United States Department of Agriculture, effective July 1, 1942, as amended July 28, 1942, effective August 1, 1942.

(iii) The packer's maximum prices, f. o. b. factory, for FSCC grade processed dried apricots, in wood boxes containing 25 pounds, shall be as follows:

Government sales	Per ton
Blenheims.....	\$687.47
Northerns.....	659.70
San Joaquins.....	631.94

(iv) "FSCC grade processed dried apricots" means wholesome and edible dried apricots that fall to meet the requirements for U. S. grade A, or U. S. Fancy; U. S. grade B or U. S. Choice; U. S. grade C or U. S. Standards; U. S. Grade D. Slabs are as established in Tentative United States Standards for grades of dried apricots, but contain not more than 10 per cent by weight of pieces seriously damaged by discoloration and not more than 10 per cent by weight of pieces that possess pits or pieces of pit or are affected by mold, decay, imbedded dirt, insect infestation or other foreign material, of which not more than 2/10 or 2 per cent may be affected by decay. The finished prod-

ucts shall contain not more than 26 per cent moisture by weight.

"Seriously damaged by discoloration" means that the apricots are dark brown in color or show black areas covering more than ¼ of the surface.

Interpretations of all other terms used in the definition of FSCC grade processed dried apricots shall be as outlined in "Tentative United States Standards for Grades of Dried Apricots," issued by the United States Department of Agriculture.

(v) A maximum price for another grade, variety or size shall be computed from that listed above for the most comparable item by adding or subtracting,

as the case may be, the same differential in dollars and cents which existed in the packer's maximum prices in 1942. The maximum price for another container size shall be computed from that listed above for the same grade, variety and size by adding 120 per cent of the dollar and cent differential which existed in the packer's maximum prices in 1942, when the differential is to be added, and by subtracting 80 per cent of the dollar and cent differential which existed in the packer's maximum prices in 1942, when the differential is to be subtracted.

**(2) Peaches (including nectarines).**

(i) The packer's maximum price f. o. b. factory, for dried peaches, packed in wood cases containing 25 pounds, shall be as follows:

Choice yellow freestones—Government sales, \$500.81 per ton; other sales, \$525.85 per ton.

(ii) Maximum prices for other grades, varieties, sizes and container sizes of dried yellow freestone peaches shall be computed from the maximum price listed above by the use of a differential in the manner provided above for dried apricots. Maximum prices for dried clingstone peaches shall be five and one-quarter cents per pound less than the maximum prices for the corresponding sizes and grades of dried yellow freestone peaches. Maximum prices for dried nectarines shall be the same as the maximum prices for the corresponding sizes and grades of dried yellow freestone peaches.

(3) **Pears.** (i) The packer's maximum prices f. o. b. factory, for dried pears, packed in wood boxes containing 25 pounds, shall be as follows:



Extra Choice Lake County—Government sales, \$470.35 per ton; other sales, \$403.87 per ton.

Choice Northern—Government sales, \$439.58 per ton; other sales, \$461.56 per ton.

(ii) Maximum prices for other grades, varieties, sizes and container sizes of

dried pears shall be computed by the use of a differential from the maximum prices listed above by the use of a differential in the same manner as provided herein for dried apricots.

(4) *Prunes.* (i) The packer's maximum prices, f. o. b. factory, for dried prunes packed in wood boxes containing 25 pounds, shall be as follows:

Grade size group	Packed point	Three District, per ton		California Outside per ton		Northwest per ton		
		Government sales	Other sales	Government sales	Other sales	Government sales		Other sales
						French	Italian	
15/20.....	20	\$275.65	\$336.76	\$270.72	\$331.60	\$270.72	\$274.05	\$229.53
18/24.....	24	271.71	332.63	266.78	327.46	266.78	270.05	225.39
20/30.....	29	265.80	326.42	260.87	321.26	260.87	264.05	219.19
30/40.....	39	252.03	313.39	248.08	308.30	248.08	254.05	206.26
40/50.....	49	242.25	302.19	237.40	197.10	237.40	243.05	195.06
50/60.....	59	231.57	190.98	226.72	185.89	226.72	232.05	183.85
60/70.....	69	220.89	179.78	216.04	174.69	216.04	221.05	172.65
70/80.....	79	210.22	168.58	205.36	163.49	205.36	210.05	161.45
80/90.....	89	199.54	157.37	194.68	152.28	194.68	199.05	150.24
90/100.....	99	189.83	147.19	184.97	142.10	184.97	189.05	140.06
100/120.....	119	170.41	126.82	165.55	121.73	165.55	169.05	119.69

(ii) The "packed point" above shows the number of packed prunes per pound in the packs for which the maximum prices are listed above. The maximum price for any count between two packed points shall be figured by adding to the maximum price named for the next higher packed point (smaller fruit), \$1.00 per ton for each whole point by which the count being priced is lower

than such "packed point." Maximum prices for prunes in other container sizes shall be computed by the use of a differential from the maximum prices listed above in the same manner as provided above for dried apricots.

(iii) The maximum prices of pitted prunes per ton, f. o. b. factory, shall be as follows:

Type	Large		Medium		Small	
	Government sales	Other sales	Government sales	Other sales	Government sales	Other sales
Free flow.....	\$394.58	\$413.19	\$367.58	\$384.92	\$346.58	\$362.93
Regular.....	389.82	408.19	362.82	379.92	341.82	357.93

(iv) Pitted prunes made from prunes of 70 or less count shall be "large"; of 100 or less count but not within the "large group" shall be "medium"; and of 101 or greater count shall be "small". "Regular" pitted prunes are double run pitted prunes, substantially matted. "Free flow" pitted prunes are pitted

prunes which substantially maintain their separate identity and are easily separated.

(5) *Raisins.* (i) The packer's maximum prices per ton, f. o. b. factory, for raisins packed in fibre boxes containing 25 to 30 pounds, except as otherwise indicated shall be:

Item No.	Grade and variety	Government sales	Other sales
1	Choice Natural Thompson Seedless.....	\$201.97	\$153.97
2	Three Crown Loose Muscats.....	242.60	185.03
3	Three Crown London Layer Muscats (30 lb. wooden box).....	272.60	236.23
4	Two Crown Choice Seeded Muscats.....	251.80	185.03
5	Choice Sultanas.....	196.65	148.28
6	Golden Bleached Grade B Extra Choice Color Thompson Seedless.....	247.03	202.09
7	Soda Dipped Grade B Choice Color Thompson Seedless.....	247.03	188.02
8	Valencia Type 2 Crown Choice Seeded Muscats.....	301.80	208.13
9	Valencia Type 3 Crown Loose Muscats.....	285.16	208.13
10	Sulphur Bleached Grade B Fancy Color Thompson Seedless.....	263.75	195.53
11	Zante Currants.....	281.40	205.47
12	Zante Currants (11 oz. package).....	.1327	.1397

(ii) Maximum prices for other grades, varieties and container sizes of raisins shall be computed by the use of a differential from the maximum prices listed above in the same manner as provided above for dried apricots.

(6) *Figs.* (i) The packer's maximum prices, f. o. b. factory, for fig paste packed in fibre cases containing 80 pounds, and for tray dried Kadota figs in sacks, shall be as follows:

Cents per pound	
Bleached black mission paste.....	13½
Unbleached black mission paste.....	12½
Adriatic paste.....	15½
Calimyrna paste.....	19½
Natural Kadota paste.....	15½
Tray dried Kadota paste.....	16
Tray dried Kadotas in sacks (approx. 90 lbs.).....	14½

(ii) The packer's maximum prices, f. o. b. factory, for bulk figs packed in boxes containing 25 or 50 pounds, shall be as follows:

Prices in cents per pound			
Black	Mission	Adriatic	Calimyrna
Jumbo.....	23½	28½	34½
Extra Fancy.....	20½	25½	32
Fancy.....	16½	22½	29½
Extra Choice.....	13	20	27
Choice.....	12	18½	24½
Standard.....	10½	17½	22

(iii) The packer's maximum prices, f. o. b. factory, for packaged figs, in dollars per dozen packages, shall be as follows:

Prices per dozen packages	
Black Mission:	
Extra Choice, 6-oz. layers.....	\$1.06
Extra Choice, 8-oz. layers.....	1.37
Extra Choice, 6-oz. fingers.....	1.16
Fancy, 8-oz. fingers.....	1.67
Extra Fancy, 1-lb. fingers.....	3.50
Extra Choice, 8-oz. pulled.....	1.47
Fancy, 12-oz. carton.....	1.88

Adriatic:	
Extra Choice and Fancy, 6-oz. layers.....	1.42
Extra Choice and Fancy, 8-oz. layers.....	1.85
Extra Choice, 6-oz. fingers.....	1.50
Fancy, 1-lb. strings.....	3.91

Calimyrna:	
Extra Choice and Fancy, 6-oz. layers.....	1.74
Extra Choice and Fancy, 8-oz. layers.....	2.37
Extra Fancy, 1-lb. layers.....	4.06
Extra Choice, 6-oz. fingers.....	1.78
Fancy, 8-oz. fingers.....	2.42
Extra Fancy, 1-lb. fingers.....	4.85
Jumbo, 1-lb. pulled.....	5.23
Fancy, 12-oz. carton.....	3.07
Extra Fancy, 8-lb. pulled.....	24.60

(iv) The maximum prices, f. o. b. factory, for sliced figs shall be ¼ cent per pound more than the maximum prices for fig paste of the same variety.

(v) The maximum prices, f. o. b. factory, for ungraded bulk packs of figs, in 25 or 50 pound boxes, shall be as follows:

Cents per pound	
Black Missions.....	13
Adriatics.....	20
Calimyrna.....	29½

(vi) The maximum prices, *f. o. b.* factory, for graded tray dried Kadota figs, packed in boxes or sacks, shall be  $\frac{1}{2}$  cent per pound less than the maximum price for the same grade of Adriatic figs in bulk, and for graded natural Kadota figs, packed in boxes or sacks, one cent per pound less than the maximum price for the same grade of Adriatic figs in bulk.

(vii) The maximum prices, *f. o. b.* factory, for packaged figs, in packages for which no specific maximum prices have been established by this regulation, shall be computed as follows: If the variety, grade, and style of pack are the same as a package for which a maximum price has been established herein, but there is a difference in weight, the maximum prices for the package being priced and the package for which a maximum price has been established, shall be in the same relationship to each other as the weights of the packages are to each other. If the package being priced differs in grade or style of pack from a package of the same variety for which a maximum price has been established, the maximum prices of the packages shall be in the same proportionate relationship as they were in 1942.

(b) Maximum prices per ton may be converted to maximum prices per pound by dividing by 2000.

(c) Maximum prices per pound for brands which were nationally advertised in 1941, of the dried fruits in the container sizes specified below, shall be computed by adding a premium to the maximum prices per pound computed pursuant to the foregoing paragraphs of this section, as follow:

Dried fruits	Container sizes	Premium per lb.
		<i>Cent</i>
Prunes.....	1 lb. and 2 lb. cartons..	$\frac{1}{2}$
Apricots....	11 oz. cartons.....	$\frac{3}{4}$
Peaches.....	11 oz. cartons.....	$\frac{3}{4}$

(d) If the maximum price for any kind, grade, variety, size or container size of dried fruits covered by this regulation cannot be determined under the foregoing paragraphs of this section, the packer's maximum price shall be the maximum price of the most closely competitive packer of the same item.

(e) If the processor cannot establish his maximum price for any item under the foregoing provisions of this regulation, he shall apply to the Office of Price Administration, Washington, D. C., for an authorization of a maximum price for the item. Such application shall state: (1) A complete description of the item which is the subject of the application. (2) The reasons for his inability to establish a maximum price. (3) The most similar item for which a maximum price has been established in this regulation or computed hereunder by the processor and the maximum

price therefor and (4) The maximum price proposed by the processor and the reasons therefor.

(f) All maximum prices established herein, except for government sales, include brokerage. The packer shall maintain his customary cash and quantity discounts to different classes of purchasers.

(g) Differentials used to compute maximum prices shall be the same amount in dollars and cents for government sales or other sales. In computing maximum prices for government sales, the differential shall be added to or subtracted from maximum prices established for government sales. In computing maximum prices for other sales, the same differential shall be added to or subtracted from the maximum prices established for other sales.

(h) Maximum prices per pound for bulk packs may be adjusted to the nearest  $\frac{1}{4}$  of a cent. Maximum prices for container sizes and packaged dried fruits obtained by the use of a differential from bulk packs may be adjusted to the nearest cent only on the total amount of the invoice.

(i) Boxes or other containers when referred to herein means standard commercial boxes or containers.

#### Section 3. Maximum prices for distributors other than wholesalers and retailers—

(a) *Primary distributors.* A "primary distributor" is a distributor, other than a wholesaler, wagon wholesaler or retailer, who purchases all he sells for his own account, of the dried fruit being priced and who customarily receives shipment from the processor of at least 50 per cent of his purchases in carload lots delivered to a warehouse or other receiving station not owned or controlled by any of his customers, for resale by him in less than carload lots.

A primary distributor shall compute his maximum price for each dried fruit of the 1943 pack by adding to his maximum prices for the 1942 pack of such dried fruits, the increase in the processor's maximum price for the 1943 pack over the 1942 pack. In the event that the primary distributor did not sell the dried fruit in question, of the 1942 pack, his maximum price, *f. o. b.*, his place of business, shall be the maximum price of his supplier, *f. o. b.* the supplier's shipping point, plus the incoming freight paid by him.

(b) *Distributors who are not primary distributors, wholesalers or retailers.* The maximum price for an item, *f. o. b.* shipping point, of a distributor who is not a primary distributor, wholesaler or retailer shall be the maximum price of his supplier, *f. o. b.* the supplier's shipping point, plus incoming freight paid by the distributor.

A "distributor" is one who purchases all he sells for his own account of the kind of dried fruit being priced and resells it without packing or processing any part of it.

#### Section 4. Evasion.

The maximum prices set forth in this regulation shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to dried fruits covered by this regulation, alone or in conjunction with any other commodity, or by way of any commission, service, transportation or other charge or discount, premium or other privilege, or by tying agreement or other trade understanding, or otherwise.

#### Section 5. Records.

Every packer who makes sales of dried fruits of the 1943 crop after the effective date of this regulation, shall (a) preserve for examination by the Office of Price Administration for so long as the Emergency Price Control Act of 1942 shall remain in effect, all his existing records which were the basis of computing maximum prices by differentials under the provisions of this regulation and (b) make and preserve for the same period all records of the same kind as he customarily kept, relating to the prices which he charged for dried fruits of the 1943 crop sold after the effective date of this regulation; and every primary distributor shall make and preserve for the same period, similar records of the type customarily kept by him.

#### Section 6. Enforcement.

Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions and suits for treble damages provided for by the Emergency Price Control Act of 1942.

#### Section 7. Petitions for amendment.

Any person seeking an amendment to this regulation, of general applicability, may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, issued by the Office of Price Administration.

#### Section 8. Applicability.

The provisions of this regulation shall be applicable only in the 48 States of the United States and the District of Columbia.

#### Section 9. Applicability of other maximum price regulations.

This regulation supersedes the provisions of Maximum Price Regulation No. 227 with respect to maximum prices for sales or deliveries of dried fruit of the 1943 crop by packers and primary distributors for which maximum prices are established in this regulation.

#### Section 10. Export sales.

The maximum price at which a packer may export dried fruits of the 1943 crop for which maximum prices are established by this regulation, shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation, issued by the Office of Price Administration.



**Section 11. Payment of brokers.**

In each case, the amount paid by the buyer to a broker plus the amount paid by the buyer to the seller shall not exceed the seller's maximum price plus allowable transportation actually paid by the seller or by the broker.

**Section 12. Adjustable pricing.**

Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942 as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration having authority to act upon the pending request for a change in price or to give the authorization. The authorization will be given by order.

**Section 13. Definitions.**

(a) When used in this regulation.

(1) "Persons" includes an individual, corporation, partnership, association, any other organized group of persons, legal successors, or representatives of any of the foregoing and includes the United States, or any agency thereof, any other government, or any of its political subdivisions and any agency of the foregoing.

(2) "Packer" means one who grades, cleans, sorts, processes with water, steam, chemicals or compressed air, sterilizes, fumigates or prepares for shipping, the kind of dried fruit being priced, but the term does not include a grower, dehydrator or dry-yard operator when he delivers dried fruits to a packer.

(3) "Dried fruits" means the following fruits or portions thereof, from which the major portion of moisture has been removed by natural or artificial drying.

Apricots.  
Figs.  
Peaches (including nectarines).  
Pears.  
Prunes.  
Grapes (raisins) and Zante currants.

(4) "1943 crop" of any dried fruits shall be that pack of dried fruits processed from fruit produced in the calendar year 1943.

(5) The "most closely competitive packer" means the packer who (i) sells to the same class of buyers; (ii) produces the same or similar quality range of the dried fruit in question; (iii) has in the past sold the same kind of dried fruit at approximately the same prices as the packer seeking to establish his

maximum price; (iv) has used the same general merchandising methods; and (v) is located in the same or the nearest growing and packing area.

(6) "Government sales" means sales to government procurement agencies.

(b) Unless the context otherwise requires, the definitions set forth in Section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

This regulation shall become effective October 9, 1943.

**WANTED AND FOR SALE****Machinery—Equipment**

This column is open only to members of the Association who want to buy or sell canning machinery and equipment. Names of firms listing the items below will be furnished upon application to the Association. In requesting names, please identify items by number.

**FOR SALE**

**296-S.**—Eight-inch type N7MB "American" vertical, bronze fitted, 7-stage deep well turbine pump with bronze enclosed impellers; capacity, 150 gallons against 194-foot head.

**297-S.**—Bottle labeling machine, converted from Knapp can labeler; labels full wrap-around labels; now set for 12-oz. bottles.

**Quarterly Carloading Forecast**

Freight carloadings in the fourth quarter of 1943 are expected to be practically the same as actual loadings in the same quarter of 1942, according to estimates compiled by the 13 Shippers' Advisory Boards, and made public by the Association of American Railroads.

On the basis of the estimates, freight loadings of the 28 principal commodities will be 8,942,274 cars in the fourth quarter of 1943, compared with 8,911,673 for the same commodities in the corresponding period in 1942. Compared with a year ago, the Boards expect an increase in the last quarter of 1943 in the loading of 16 commodities, but decreases in 12 commodities.

Among the expected increased shipments, they estimate an 11.1 per cent gain in shipments of canned goods, including all canned food products.

**Use of Fruits and Berries Permitted for Concentrates**

Effective October 6, manufacturers of food and pharmaceutical flavorings, extracts, and concentrates, were exempted from those provisions of Food Distribution Order 69 which restrict the use of 25 varieties of fruits and berries in the manufacture of alcoholic products. This exemption is contained in an amendment to the order made by the War Food Administration.

The order restricts the use of any variety, type, or form of the following fruits and berries in the manufacture of an alcoholic product: Apples, apricots, cantaloupes, cherries, currants, Concord grapes, dates, peaches, pears, pineapples, plums, prunes, blackberries, blueberries, boysenberries, dewberries, elderberries, gooseberries, huckleberries, johnsonberries, loganberries, olympic berries, raspberries, strawberries, and youngberries.

The amendment also specifies that the order applies only to the forty-eight States and the District of Columbia, and does not extend to the territories and possessions of the U. S.

**Packing Restrictions Lifted**

Restrictions on the packing of three varieties of grapes in wooden containers were lifted October 5 by the Containers Division of WFB.

Formerly, these varieties—Black Prince, Gros Colman, and Ribier—were among the commodities, shipment of which in wooden containers was restricted to 50 per cent of the 1942 packing quotas, under terms of Limitation Order L-232.

The change made will place these three varieties in the same category as the table varieties and permit the packing of 110 per cent of the 1942 pack.

**Straub Heads Food Rationing**

The Office of Price Administration announced October 8 the appointment of Walter F. Straub as Director of Food Rationing. Mr. Straub succeeds Harold B. Rowe, who is on leave of absence from OPA.

The new Director has had extensive business experience in the food industry. His most immediate business connections have been with the Lake Shore Honey Co., College Inn Food Products Co. and the Wieboldt Stores, all of Chicago. He also acted as a consultant to the H. J. Heints Co. of Pittsburgh.

## INCREASE IN VEGETABLE ACREAGE RECOMMENDED

**Large Percentage Rise over 1943 Also  
Urged for Soybeans, Peanuts,  
Dry Beans and Peas**

Food Administrator Marvin Jones, outlining in general terms the 1944 food program, told the House Committee on Agriculture, at an open hearing on October 6, that fresh and processed vegetables are among the crops recommended for the largest percentage increases in acreage over 1943. The Government's suggested goals for vegetables for processing will be found in the following item on this page.

Other crops marked for the largest percentage increases are soybeans, peanuts, dry beans, and dry peas. Administrator Jones said the increasing need of food for both war and civilian use calls for the maximum food production possible in 1944. His suggested goal is 380,000,000 acres for harvest next year.

In plans for the 1944 food program three major problems are involved, Administrator Jones said. He described these as:

1. Adequate production to meet essential food and fiber requirements for military, civilian, lend-lease, and other needs.

2. Achievement of that production, without increasing the cost of living, through development of support prices and loans.

3. Adequate distribution of food supplies among different claimant agencies and proper channeling of foods to the ultimate consumer.

Because of the relationship prices bear to production, Administrator Jones told the Committee that the current meetings of State War Boards were considering prices as well as goals.

"To get the maximum production planned for 1944 there must be certain adjustments in our structure of support prices to farmers," the Administrator continued, adding that "although the general level of farm prices is fairly adequate, adjustments in support prices for some commodities must be made to cover the resulting added costs and risks, which are necessarily incident to increased production by old producers and any production by new producers of a given commodity.

"I hope that Congress may be willing to increase the funds available to the Commodity Credit Corporation so that the powers of that Corporation can be used to the fullest extent in increasing food production. These powers could also be used to prevent increases in consumer prices.

"To secure maximum production of essential crops, the price support should be one that would last through the production, harvest and marketing season and it should be set up and understood by the farmer to be on that basis. Adequate price protection, as an encouragement to production, includes both as early assurance to the farmer as possible and also the understanding that these supports will prevail."

## 1944 Goals of Vegetables For Processing Suggested by WFA

The War Food Administration's suggested 1944 national goals for vegetables for processing are now before the State War Boards for consideration at meetings being held this month. At these meetings, the dates of which were announced in last week's *INFORMATION LETTER*, each State will determine the share of the national goal it can produce of the various crops. A final national acreage figure for 1944 will then be arrived at from the estimates of the individual States.

The suggested national goals for vegetables for processing and the planted acreage of these crops last year are listed in the following table.

Commodity	1944	1943
	suggested Acres	planted Acres
Corn, sweet.....	570,000	550,150
Peas, green.....	510,000	485,530
Tomatoes.....	615,800	615,800
Beans, lima.....	85,000	70,250
Beans, snap.....	190,000	164,100
Beets.....	24,000	19,320
Cabbage for kraut.....	20,000	15,900
Pickle cucumbers.....	90,350	90,350
Pimientos.....	11,510	11,010
Spinach.....	63,000	38,770a
Asparagus.....	45,340	46,070b

a Estimated. b Acreage for harvest in 1943.

## Early Fertilizer Buying Urged

The War Food Administration is urging farmers to make immediate application for the mixed fertilizers they need now and next spring, and to accept delivery during fall and winter months.

WFA officials, in charge of the fertilizer program, stress that farmers can expect to have an adequate supply of fertilizer during the 1943-44 crop season by applying for it and taking delivery as soon as possible, thereby making it possible for manufacturers and dealers to deliver fertilizer over a long period. In all, it is expected that between 10 and 12 per cent more chemical fertilizer will be available to farmers in the 1943-44 crop season than during the past season, when farmers used a record of 10.5 million tons.

## REORGANIZATION OF FDA

**Number of Regions in Field Is Reduced  
And Boundaries Are Realigned**

Changes in the field organization of the Food Distribution Administration have been announced by the War Food Administration. The territory formerly covered by the Rocky Mountain and Midwest Regions is being reassigned to the Great Lakes Region with headquarters at Chicago, to the Pacific Region with headquarters at San Francisco, and to the Southwest Region with headquarters at Dallas, Texas. The changes are to be made by December 1.

This reorganization of FDA's field structure reduces the number of regions from seven to five. The Northeast Region with headquarters at New York City and the Southern Region with headquarters at Atlanta, Georgia, retain their present boundaries.

The five regions as renamed, their headquarters and regional directors, and the States comprising each region are as follows:

**Northeast Region**—Headquarters, New York City, (Regional Director, Francis D. Cronin); New York, Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Pennsylvania, Rhode Island, Vermont, West Virginia.

**Southern Region**—Headquarters, Atlanta, (Regional Director, Col. James H. Palmer); Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia.

**Midwest Region**—Headquarters, Chicago, (Regional Director, E. O. Pollock); Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin.

**Southwest Region**—Headquarters, Dallas, (Regional Director, Lester J. Cappleman); Arkansas, Colorado, Kansas, Louisiana, New Mexico, Oklahoma, Texas.

**Western Region**—Headquarters, San Francisco, (Regional Director, Buell F. Mahen); Arizona, California, Idaho, Nevada, Montana, Oregon, Utah, Washington, Wyoming, Territory of Hawaii.

Though the regional headquarters offices at Des Moines, Iowa, and Denver, Colorado, are being abolished, State offices will be maintained at those two points. Leonard R. Trainer, present Regional Director for the Rocky Mountain Region, will become Assistant Regional Director of the Western Region at San Francisco. Frances D. Cronin, formerly Regional Director at Des Moines, has been transferred to New York City to succeed Buell F. Mahen who is now Regional Director at San Francisco.

## CCC EXTENSION HEARINGS

### Testimony Given to House Committee By Farm Bureau and Grange

Hearings continued this past week before the House Committee on Banking and Currency on the question of extending the life of the Commodity Credit Corporation, expanding its borrowing power, and amending its authority to permit the sale of perishable commodities at less than parity.

Edward A. O'Neal, President of the American Farm Bureau Federation, in a prepared statement, urged

"1. That the life of the Corporation be continued.

"2. That authorization for additional borrowings be limited to the funds necessary to take care of the commodity loan program and price support program under the Agricultural Adjustment Act, as amended, and the Steagall Act, as amended, but that no funds be provided for subsidies except to cover necessary losses that may occur in connection with sales to prevent loss of food due to deterioration.

"3. That clear and specific limitations be inserted in this legislation which will prevent the use of any of the funds of the Commodity Credit Corporation or any other government agency from being used to pay subsidies in lieu of fair prices in the market place, or to impose or maintain price ceilings below support prices or below the minimum standards provided in Section 3 of the Act of October 2, 1942, or to provide subsidy payments in lieu of adjustments in price ceilings, or to pay losses accruing from the purchase and resale of agricultural commodities at a loss—except necessary losses to prevent spoilage or losses of food in connection with necessary operations to support prices under the provisions of the Steagall Act."

The National Grange, through its Master, Albert S. Goss, stated that it favored extension of CCC only until June 30, 1944, or not later than December 31, 1944. The Grange, Mr. Goss reported, believes the War Food Administrator should be given power to sell perishable commodities to prevent substantial and unavoidable loss from deterioration. However, he outlined the following three safeguards that should be thrown around such transactions:

1. "No crop should be bought (except to carry out a previous commitment), and no support price should be pledged when it is planned or known that the commodity would be sold for less than the purchase or support price.

"2. Permission to sell below the purchase price or the support price should be limited to substantially deteriorated or perishable commodities, and permission to sell should be limited to those cases where there is danger of substan-

tial and unavoidable loss from deterioration. Perishable commodities should be defined to avoid misunderstanding.

"3. The reduction in price should not be greater than an amount deemed to be necessary, in the judgment of the Administrator, to hold losses to a minimum."

He again stated the Grange's opposition to subsidies and summarized the problem of controlling inflation in the following six points:

1. Employ a sound income tax and savings program to relieve surplus income pressure.

2. Encourage abundant production through an effective price support program.

3. Employ rationing where necessary to assure equitable division of any short supply and when used, ration to a surplus.

4. Use price ceilings only to prevent profiteering, with none established below support prices, and with full recognition of production and distribution costs.

5. Place the administration of food production, food distribution, rationing and price control under one head.

6. Make use of all branches of the food industry in working out and carrying through that portion of an inflation control program pertaining to food.

### Rebate Payment Program For Peanut Butter is Announced

A program of rebate payments to peanut butter manufacturers is under preparation, according to an announcement by the War Food Administration and the Office of Price Administration. These agencies have stated that it will effect a reduction in consumer prices for peanut butter from the July, 1943, level of 33.1 cents to the September, 1942, level of about 26.5 cents per pound.

Under the new plan the Commodity Credit Corporation, which by allocation order is the sole buyer and seller of farmers' stock peanuts, will by making rebate payments to peanut butter manufacturers, adjust the cost of peanuts made into peanut butter. This adjustment, it was explained, will permit the reduction in consumer prices and will maintain margins for manufacturers, wholesalers, and retailers. The payments, which will be made under an offer to be issued by CCC, will be at the rate of 4½¢ per pound of peanut butter sold for home consumption within continental United States. The program will become effective as soon as the administrative details can be completed. Peanut butter shipped by manufacturers on or after the effective

date of the offer will qualify for payments.

Ceiling prices on peanut butter will be adjusted by OPA in line with this program. The lower ceiling prices will not apply to distributors until such time as they make purchases at these lower prices, at which time it will also apply to their inventory of that item, it was stated.

### Wear Heads New WFA Division Dealing with Food Equipment

Ralph E. Arnold, chief of the Priorities and Allocations Branch of the War Food Administration, has announced the establishment of an Order Administration Division under direction of F. J. Wear.

Mr. Wear, for the past nine months, has been Administrator of Order P-115. The functions of the new division he will direct are described in the following staff memorandum issued by Mr. Arnold on October 1:

"Administers food processing equipment Orders P-115, relative to equipment for canning and processing of fruits, vegetables and fish, and P-118, relative to machinery for processing of dairy products, poultry and eggs, and such other food processing equipment orders or portions thereof as may be assigned to the jurisdiction of the War Food Administration, including recording, casing and acting on all applications on forms provided by these orders; maintains status records on all applications; correlates statistics of programmed machinery and submits periodic reports covering all items of machinery controlled by these equipment orders."

### 1944 Packing Quotas Given

Canners are inquiring about government restrictions on the use of containers and container materials for packing canned foods in 1944.

The 1944 tin conservation order, M-81, has not been prepared. The glass closure order, M-104, gives the packing quotas for the calendar year 1944. This fact may not be entirely clear to the reader of the order, since 1944 is not mentioned.

Order M-104, now in effect, gives the packing quotas for "any calendar year"; that is, the packing quotas listed in the order are applicable to the calendar year 1944, as well as to the current calendar year. In fact, the packing quotas as listed will apply to any subsequent calendar year unless changed by amendment to the order.



## APPLE RESTRICTION ORDER

### Sales of Certain Grades in Specified Areas Are Permitted Only To Authorized Processors

Sales or deliveries of the lower grades of apples produced in or shipped into certain counties in Washington, Oregon, California, New York, Pennsylvania, Maryland, Virginia and West Virginia, have been prohibited except to authorized processors. This provision is contained in Food Distribution Order 83, issued by the War Food Administration and administered by the Food Distribution Administration.

The apples affected by the order will go into canned apples, apple sauce, apple butter, vinegar, cider, jelly, pomace, pectin, juice (including concentrated), apple chops, frozen apples, and applesauce, and all forms of dried, evaporated or dehydrated apples.

Any processor of such products, prepared to utilize apples produced in the specified areas, may apply to FDA for designation as an authorized processor. So that a processor need not cease operations pending his authorization, such processor shall be considered an "authorized processor" for a period of 10 days following the effective date of the order (October 4).

No authorized processor may use the restricted apples for any purpose other than processing, nor may he sell such apples except to another authorized processor. The order also provides that the Director of Food Distribution may later issue orders specifying or limiting the products for which the apples may be used, and also directs processors to set aside specified products for government purchase or for specified uses.

Each authorized processor is required to pay for processing apples, not less than the minimum price which may be fixed from time to time by the Director of Food Distribution.

Provision is made for exemption of particular lots of apples if adequate processing facilities are not available or if the apples are not suitable for processing, but only after formal application for such exemptions is approved by FDA. Text of FDO 83 follows:

The fulfillment of the requirements for the defense of the United States will result in a shortage in the supply of apples for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

### § 1405.28 RESTRICTIONS RELATIVE TO APPLES

#### (a) Definitions.

When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) The term "apples" means and includes all varieties of apples except all varieties of crab apples and of Lady apples.

(2) The term "restricted apples" means and includes, except McIntosh and Delicious apples and apples heretofore or hereafter released pursuant to Food Distribution Order No. 69 (8 F. R. 10477).

(i) all apples grown in or shipped for commercial purposes into any of the following designated counties in the State of Washington, if such apples are smaller than 2¼ inches in diameter or do not meet the minimum requirements of fancy grade, or higher grades, as specified in the "Washington Standards for Apples," promulgated May, 1939: Yakima, Benton, Kittitas, Walla Walla, Chelan, Okanogan, Columbia, Grant, Douglas, Stevens, Spokane, Skamania, Klickitat, or Asotin;

(ii) all apples grown in or shipped for commercial purposes into any of the following designated counties in the State of Oregon, if such apples are smaller than 2¼ inches in diameter or do not meet the minimum requirements of fancy grade, or higher grades, as specified in the "Oregon Standards for Apples," promulgated on July 28, 1937, reissued July 31, 1941: Hood River, Wasco, Umatilla, or Union;

(iii) all apples grown in or shipped for commercial purposes into any of the following designated counties in the State of California, if such apples are smaller than 2¼ inches in diameter or do not meet the minimum requirements of fancy grade, or higher grades, for apples, as specified in the "Agricultural Code" of the State of California, as amended: Mendocino, Sonoma, Napa, Santa Clara, Santa Cruz, or Monterey; or

(iv) all apples grown in or shipped for commercial purposes into any of the following designated areas, if such apples are smaller than 2¼ inches in diameter or do not meet the minimum requirements of the U. S. No. 1 grade, or higher grades, as defined in the United States Standards for Fresh Apples, signed by the Secretary of Agriculture on August 26, 1937, issued in October, 1937, and reissued in October, 1939:

(a) In the State of New York: The counties of Niagara, Orleans, Monroe, Wayne, or Ontario; or the townships of Cato, Conquest, Ira, Victory, Mentz, or Sterling in the county of Cayuga;

(b) In the State of Pennsylvania: the counties of Adams, Cumberland, Franklin, Fulton, or York;

(c) In the State of West Virginia: The counties of Berkeley, Jefferson, Hampshire, or Morgan;

(d) In the State of Virginia: The counties of Frederick, Clarke, Shenandoah, Warren, Page, Rockingham, Green, Augusta, Albemarle, Rockbridge, Nelson, Amherst, Betetourt, Bedford, Roanoke, Franklin, Montgomery, or Floyd; or

(e) In the State of Maryland, the counties of Allegany or Washington.

(3) The term "fresh-use apples" means and includes all apples, except apples heretofore or hereafter released pursuant to Food Distribution Order No. 69, grown in any of the designated counties or areas specified in (a) (2) hereof which are not restricted apples.

(4) The term "processing" means the manufacture for commercial purposes of any of the following products from restricted apples or fresh-use apples: Canned apples, applesauce, apple butter, apple vinegar, apple cider, apple jelly, apple pomace, apple pectin, sweet apple juice, concentrated apple juice, frozen apples, frozen applesauce, apple chops, or any or all forms of dried, evaporated, or dehydrated apples.

(5) The term "person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(6) The term "Director" means the Director of Food Distribution, War Food Administration.

(7) The term "Order Administrator" means the person designated by the Director to serve as Order Administrator or alternate for the Order Administrator pursuant to the provisions of this order.

(8) The term "ship" means to convey restricted apples or fresh-use apples or to cause such apples to be conveyed by railroad, truck, boat, or any other means whatsoever, excluding, however, (i) the conveyance of such apples from an orchard to a point where apples grown in such orchard would customarily be packed or inspected by the Federal-State inspection service, or (ii) the conveyance of such apples to an authorized processor.

(9) The term "authorized processor" means a processor who has been authorized by the provisions of (b) (4) hereof or by the Director to process restricted apples.

(10) The term "producer" means any person who is the owner of apples at the time of the harvesting of such apples.

#### (b) Restrictions.

(1) No person shall sell or deliver restricted apples except to an authorized processor; and no person other than an authorized processor shall purchase, accept delivery of, or use restricted apples: *Provided*: That a producer may, in each calendar year, sell or deliver as much as an aggregate of 10 bushels of restricted apples to other than authorized processors, and any person or persons may to that extent purchase, accept delivery of, or use such apples.

(2) No authorized processor shall use restricted apples except for processing; and no authorized processor shall sell or deliver restricted apples except to another authorized processor. The Director, may, from time to time, issue orders applicable to authorized processors specifying or limiting the products, enumerated in (a) (4) hereof, into which restricted apples or fresh-use apples shall be processed or into which apple products, produced from restricted apples or fresh-use apples, shall be further processed. The Director may, from time to time, issue orders prohibiting authorized processors from selling or delivering any products, as aforesaid, except to authorized processors as therein classified or specified.

(3) The Director may, from time to time, issue orders applicable to authorized processors requiring such processors to set aside such of the products, specified in (a) (4) hereof, as may be designated by the Director. No person shall sell, deliver, or use products of apples, as aforesaid, set aside or required to be set aside except (i) in accordance with a release issued by the Director, or (ii) in accordance with an order issued pursuant to (b) (2) hereof.

(4) Any person who desires to process restricted apples shall apply to the director for certification as an authorized processor. In his application he shall specify the location of each of his plants, and the maximum daily capacity of each plant to process each of the products specified in (a) (4) hereof. Upon receipt of such an application and if he determines that such applicant is a bona fide processor, the Director shall issue to such applicant a certificate stating that such processor is an authorized processor: *Provided*, That each person who is prepared to process restricted apples is hereby declared to be an authorized processor for a period of ten days beginning with the effective date of this order. The Director shall have the power to revoke the authorization of any authorized processor in the event such authorized processor fails to observe the provisions of this order.

(5) The Director may, with the approval of the War Food Administrator, issue, from time to time, orders specifying the minimum price or prices for restricted apples or for any grade, size, variety, type, or class thereof; and each authorized processor shall pay for all restricted apples purchased by the respective processor not less than the minimum price or prices specified, as aforesaid, by the Director.

(6) The Director may, from time to time, issue orders applicable to any of the counties or areas, or any portions thereof, described in (a) (2) hereof, prohibiting any person from shipping restricted apples or fresh-use apples unless such apples have been inspected by a representative of the Federal-State inspection service. Each such shipper shall submit promptly, or cause to be submitted promptly, to the Direc-

tor the Federal-State shipping point inspection certificate, with respect to each shipment of restricted apples or fresh-use apples within, or from, any areas specified in an order issued as aforesaid.

(7) A person may be authorized by the Director to sell or deliver a specified lot of restricted apples, without regard to the restrictions of this order, if (i) such apples are not suitable for processing; (ii) processing facilities are not available; (iii) such apples are required for purposes other than processing; or (iv) for any other reason the Director may deem such release to be necessary in order to effectuate the purposes of this order. Any person may purchase, accept delivery of, or use any apples released, as aforesaid, by the Director.

(8) The Director may, from time to time, notwithstanding any other provision of this order, issue general authorizations applicable to any areas, specified by the Director, authorizing the sale or delivery, to persons other than authorized processors, of restricted apples of specified varieties, grades, sizes, or quantities thereof. Any person may purchase, accept delivery of, or use any apples released by an authorization, as aforesaid, issued by the Director.

(9) The provisions of this order or of any regulations issued in pursuance thereof shall be observed without regard to contracts heretofore or hereafter entered into or any rights accrued, or payments made thereunder.

#### (c) Audits and inspections.

The Director shall be entitled to make such audit or inspection of any person's books, records and other writings, premises, or stocks of restricted apples or fresh-use apples, or products manufactured either from restricted apples or fresh-use apples, or from any or all of the products listed in (a) (4) hereof, and to make such investigations, as may be necessary or appropriate, in the discretion of the Director, for the enforcement or administration of this order.

#### (d) Records and reports.

(1) The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in the discretion of the Director, for the enforcement or administration of the provisions of this order.

(2) Every person subject to this order shall maintain, for at least two years, or for such period of time as the Director may designate, an accurate record of his transactions in restricted apples, fresh-use apples, or products manufactured from restricted apples or fresh-use apples or from any or all of the products listed in (a) (4) hereof.

(3) The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent rec-

ord-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

#### (e) Provisions of Food Distribution Regulation No. 2 not applicable.

The provisions of Food Distribution Regulation No. 2 (8 F. R. 7523), issued June 4, 1943, by the War Food Administrator, shall not be applicable to this order.

#### (f) Relevancy to Food Distribution Order No. 69.

Restricted apples, fresh-use apples, or products from restricted apples or fresh-use apples, heretofore or hereafter released from regulation under Food Distribution Order No. 69, are free from regulation under this order. This order shall not be construed as a modification or suspension of Food Distribution Order No. 69.

#### (g) Designation of Order Administrator and alternate.

The Director shall designate two employees of the United States Department of Agriculture to serve as Order Administrator and alternate for the Order Administrator, respectively. Whenever the Order Administrator is absent or unable to act the alternate shall act as Order Administrator.

#### (h) Petition for relief from hardship.

Any person affected by this order who considers that compliance herewith would work an exceptional or unreasonable hardship on him may file a petition for relief with the Order Administrator. Such petition shall be addressed to Order Administrator, Food Distribution Order No. 83, Fruit and Vegetable Branch, Food Distribution Administration, Washington 25, D. C. Petition for such relief shall be in writing and shall set forth all pertinent facts and the nature of the relief sought. If such person is dissatisfied with the action taken by the Order Administrator on the petition, by requesting the Order Administrator therefor, he shall obtain a review of such action by the Director. The Director may, after said review, take such action as he deems appropriate, and such action shall be final.

#### (i) Violations.

The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using restricted apples, fresh-use apples, products manufactured from restricted apples or fresh-use apples or any or all of the products listed in (a) (4) hereof, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime

and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(j) *Delegation of authority.*

The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order.

(k) *Communications.*

All reports required to be filed and all communications concerning this order shall be addressed to Order Administrator, Food Distribution Order No. 83, Fruit and Vegetable Branch, Food Distribution Administration, War Food Administration, Washington 25, D. C., Ref. FDO 83.

(l) *Effective date.*

This order shall become effective at 12:01 a.m., e.w.t. October 4, 1943.

### California Sardine Report

Estimated figures on tonnage of sardines delivered to California processing plants and cases of sardines packed during the current season to September 25, inclusive, as reported by the California Sardine Products Institute, are as follow:

TONNAGE:	Tons
San Francisco Bay.....	80,850
Monterey.....	67,839
Total.....	148,689
PACK:	Cases
Can sizes:	
1-lb. ovals.....	370,147
1-lb. talls.....	270,977
1/4-lb. fillets.....	8,968
1/4-lb. round 90's.....	36,454
5-oz. 100's.....	6,996
Miscellaneous.....	18,912
Total.....	712,454

### Table-use Apple Prices Set

The Office of Price Administration has established maximum prices for apples for home consumption at levels which the agency stated will mean a season's national retail average of between 10 and 11 cents a pound. This action was taken through Amendment 9 to Maximum Price Regulation No. 426, which became effective October 7 for the country shipper, selling f.o.b. his country shipping point, and becomes effective for retailers on October 22.

### Lower Freight Rates on Used Fruit, Vegetable Containers

As a result of new freight rates permitted on shipments of used fruit and vegetable containers from the North to Southeastern States, southeastern fruit and vegetable growers, now faced with a container shortage, will benefit from rates never before available on this type of traffic, the War Food Administration announces. The new rates are published at 23.5 per cent of Class I bases.

The lack of commodity freight rates on used containers shipped from the North into the southeastern area bounded by the Mississippi, Ohio and Potomac Rivers has discouraged the return movement of these containers to producing areas, WFA officials said. Used containers are needed because of the decreased production of new containers, resulting from the scarcity of wood and metals, and the increased demand for packages for war uses. The northern originating area covered in the rate reduction includes Illinois and the States east of that State and of Lake Michigan.

Carload minimum weights are 25,000 pounds for box cars, and 15,000 pounds for refrigerator cars when they are furnished for the carrier's convenience. Use of refrigerator cars will make it possible to return cars of this type with pay load to points having perishable tonnage available for north-bound shipment.

Similar arrangements, WFA officials said, are under consideration for relieving the container situation in the Pacific Coast and southwestern producing areas.

### Holdings of Frozen Seafoods

Reserves of fishery products held in freezing establishments throughout the country are substantially above the average holdings for this season of the year, although still only about 85 per cent of the quantity held in storage at this time last year, according to the Office of the Coordinator of Fisheries.

On September 1, 1943, total holdings of frozen fish and shellfish amounted to 92,476,000 pounds, as compared with average holdings of 84,355,000 pounds during the five years preceding and 109,428,000 pounds on September 15, 1942.

During August, 1943, 35,621,000 pounds of fish were frozen. Average freezings for this period of the year are about 22,000,000 pounds a month.

Fish frozen in greatest quantity during August were whiting, rosefish, mackerel, silver salmon, pink salmon, halibut, flounders, shrimp, and members of the cod family.

### Indispensability Requirement Written in Deferment Measure

The Senate concluded debate on amendments to the Selective Training and Service Act on October 6 and sent the measure, (S. 763), to the House, where prompt action is expected. The bill, practically written on the floor of the Senate, resulted from the announcement that Selective Service would begin the induction of pre-Pearl Harbor fathers on October 1 and from a forceful campaign on the part of Senator Burton K. Wheeler of Montana to defer such action.

Senator Wheeler's proposal to postpone the induction of fathers was defeated as was a proposal of Senator Robert A. Taft of Ohio to break the selection of fathers into draft age groups.

As passed by the Senate, the amendments to the Act provide that no one between 18 and 38 employed by the Government or by a private employer shall be deferred by reason of Federal employment or on occupational grounds unless the registrant was married prior to December 8, 1941, and has a child or children under 18, or the registrant is certified by his employer to be indispensable.

In the case of an employee in private employment, the employer would be required to furnish the local board with a written statement of the employee's indispensability and the reasons therefor. The local board would be required to find that the statement is in accord with the facts.

This addition of "indispensability" to the "necessary man" basis on which deferments may now be obtained would become effective two months after enactment of the proposal.

Other amendments adopted by the Senate would require the administration of Selective Service in such a manner that pre-Pearl Harbor fathers are not inducted until other men eligible for induction have been selected, would direct the appointment of a medical commission to examine the physical qualifications that must be met for induction and recommend changes, would authorize pre-induction physical examinations when requested by a registrant whose induction is imminent, and would substantially increase the family allotments for fathers.